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| 09/650,375 | 08/29/2000 | Curtis Wong | MS150957.1 | 8539 |

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| EXAMINER |
|---|
| HUYNH, SON P |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| | 09/650,375 | WONG ET AL. |
| *Office Action Summary* | Examiner | Art Unit | |
| | Son P. Huynh | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>14 May 2007</u>.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-42,44 and 46-67* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42,44 and 46-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 August 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.     Applicant's arguments with respect to claims 1-67 have been considered but are

moot in view of the new ground(s) of rejection.

Claims 43 and 45 have been canceled.

Note: US 2005/0028208 (used for the rejection below) comprises all subject matters

disclosed in WO 00/04709 (used in the Examiner Answer dated 11/03/2006).

### *Claim Rejections - 35 USC § 103*

2.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.     Claims 1-11, 15-21, 24-25, 27-36, 38, 42, 44, 46-67 rejected under 35 U.S.C.

103(a) as being unpatentable over Ellis et al. (US 2005/0028208 A1 –hereinafter

referred to as E208) in view of Abecassis (US 6,038,367).

Note: US 2003/0179988 A1 is continuation of application No. 09/322,244, incorporated

by reference in its entirely (referred to as E988), and US 2005/0204388 A1 is

continuation of application No. 09/330,792 (referred to as E388) which is also

incorporated by reference in its entirely in E208 – see paragraphs 0127-0128.


Regarding claim 1, E208 discloses main facility 12 or television distribution facility 16

stores a plurality of program guide information in a program guide server (figures 1-2d).

The program guide information includes television program listings data (e.g., program

times, channels, titles, and descriptions) and other program guide data for additional

services other than television program listings (e.g., pay per view information, weather

information, associated internet web link, computer software, etc. – paragraphs 0067).

The main facility and/or television distribution facility is programmed to provide the

program guide information to remote program guide access device and user television

equipment 22 based on received selection criteria (program guide feature) such as list

of favorite programs, parental control features, schedule program recording feature, etc.

(including, but are not limited to, paragraphs 0069-0072, 0097, 0101, 0103, 0108-0112,

0117-0118, 0126-0127, 0220, figures 2c-2d). Thus, the limitation "server computer

storing a plurality of tokens" is met by television distribution facility or user television

equipment storing program guide features/information including program channel,

program description, program title, or time, etc., (figures 7-11, E988: figures 25a-25b;

E388, figures 7,10); the "remote computer" as claimed is met remote program guide

access device 24, wherein the "token" as claimed is met by the program guide

information/feature including title, channel, identifier, or time, or description, etc. of episode of video program or super-program (see include, but are not limited to, E988: figures 25a-25b, paragraphs 0082, 0094-0096); the claimed limitation "wherein the server is programmed to provide at least one token to a remote computer based on received selection criteria" is met by the television facility (16) and/or user equipment (22) is programmed to provide program guide feature (providing identifier, channel, title, or time, etc. of episode, or program, in program listings, information of favorite program, program to be recorded, or reminder, etc.) based on selection criteria received from the user (i.e. via link 19 – see including, but are not limited to, paragraphs 0110, 0120-0126).

E208 further discloses schedule to record program series with plurality of episodes (see paragraph 0128), the at least one of an audio and video program formed of at least two program segments (e.g. 15 minutes segments/episodes of program or super program or series – see include, but are not limited to, E988: paragraphs 0094-0096, 0165, figures 25a- 25b). However, E208 does not explicitly disclose at least two program segments each associated with a disparate token, the remote computer utilizes at least two tokens to selectively combine at least two program segments based at least in part upon viewing characteristics of one or more users at the remote computer, the viewing characteristics comprising at least of an age of the one or more users, time of data and type of show being viewed.

Abecassis discloses at least two of tokens each associated with a disparate one of at

least two segments of a predetermined one of an audio and visual program (information

identified segments of programs or description of each segments of program – see

include, but are not limited to, col. 2, lines 37-54), the remote computer utilizes at least

two tokens to selectively combine at least two program segments based at least in part

upon viewing characteristics of one or more users at the remote computer, the viewing

characteristics comprising at least one of an age of the one or more users, time of data

and type of show being viewed (the viewer's device utilizes segments information to

selectively combine the segments based at least in part upon preferences of the viewer,

the preferences comprising at least one of age of user (e.g., whether the user is a child

of parent), time of the data, etc. – see include, but are not limited to, figures 4b, 4d, col.

7, lines 1-25, col. 8, lines 40-56, col. 9, lines 41-61, col. 10, lines 13-62). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify E208 to incorporate the teaching as taught by Abecassis in order to

program customized version of a program to the user, or do not require viewer

intervention during the viewing of the video (col. 2, line 65-col. 3, line 67), thereby

improve convenience for user to watch only desired portions/segments of a program.

Regarding claim 2, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 1. E208 further teaches the server is programmed to transmit a

message to the remote computer based on the selection criteria, the message including

the at least one token (e.g., the television distribution facility sends a message to

remote program guide access device 24 based on a selection criteria such as recording

information, status information, message information, audio and video, etc. paragraphs

0103-0104; the message include program guide information/program guide feature

including program title, channel, time, etc. – see including, but are not limited to,

paragraphs 0106-0107, 0119).

Regarding claim 3, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 2. E208 further teaches the message is a text email message, the

token being operatively associated with the email message (the program guide

data/program guide feature and other information may, for example, be encapsulated

into e-mail messages – see including, but are not limited to, paragraphs 0106-0107,

0119, 0139).

Regarding claim 4, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 3. E208 further teaches the token (program guide information/program

guide feature) is an attachment to the email message (see including, but are not limited

to, paragraphs 106-107,119,139).

Regarding claim 5, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 1. E208 further teaches the server computer is programmed to store

corresponding program data as an attribute of each token, the server providing

corresponding program data with each token (main facility or television distribution

facility or user equipment is programmed to store programs and program data

corresponding to program guide information/program guide feature, the main facility or

television distribution facility or user equipment provides corresponding program and

program data with each program guide information/program guide feature including

channel, title, etc. see including, but are not limited to, paragraphs 0110, 0115).

Regarding claim 6, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 1. E208 additionally teaches a program database is stored at the

server computer, the program database including the plurality of tokens identifying a

plurality of at least one of audio and visual programs (program guide server, which is

located either at distribution facility or main facility, or user equipment stores program

guide information/program guide feature and program data – paragraph 0073). The

program guide information/program guide feature may includes television program

listing such as program times, channels, titles, and descriptions, etc. paragraph 0067,

figure 8).

Regarding claim 7, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 1. E208 also discloses program guide server 25 may, for example,

generate program guide display screens as digital frames and distribute the frames to

user television equipment 22 for display by an interactive program guide client

implemented on user television equipment 22. Program guide server 25 may run a

suitable database engine, such a SQL server, and provide program guide data in

response to queries generated by user television equipment 22 or remote program

guide access device 24 (paragraph 0073). In response to user selection on program

guide display screen to select a particular program to record, the server is programmed

to record the selected program on predetermined digital or analog storage device

(figures 2c-5, 19 and paragraphs 0163-0164). Inherently, in response to a translation

request (request for program guide display screen), the server is programmed to

translate a token into a usable format (generate program guide display screens suitable

to display) for programming a recording system to record a predetermined at least one

of audio and visual program in a tuning space (storage device, channel) associated with

the recording system.


Regarding claim 8, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 7. E208 further teaches select tuning space based on identifying data

provided with the translation request (figures 10-11).


Regarding claim 9, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 8. E208 further discloses the server provided to selected program to a

predetermined storage device selected by the user (see include, but is not limited to,

figures 11, 19 and paragraphs 0163-0164, 0220). Inherently, the server stores a unique

identifier for each recoding system registered with the server, each unique identifier

being associated with tuning space information for each respective recording system so

that the server is able to provide selected program to predetermined recording system.

Regarding claim 10, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 9. E208 also teaches the useable format includes programming data

identifying at least two of date, channel, time, duration associated with each token

provided with the translation request (see include, but is not limited to, figures 10-11).

Regarding claim 11, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 1. E208 discloses program guide information is stored in television

program guide equipment 17 (paragraph 0073, figures 2c, 2d). Appropriate commands,

requests, or other communications may be transmitted by remote program guide access

device 24 for processing by program guide server 25. If any changes to program guide

settings are made (e.g., change to the parental control setting), program guide server

may, for example, update a local program guide client running on user television

equipment 22 with necessarily information (paragraph 0075). Inherently, the server is

programmed to store plurality of tokens (program guide information/program guide

feature) as part of a programmable database (e.g., local program guide), the server

updating the programmable database in response to receiving an update request at the

server (e.g. changes to program guide setting are made).

Regarding claim 15, the limitations as claimed are directed toward embodying the

system of claims 1-2 in "computer readable medium". It would have been obvious to

embody the procedures of E208 in view of Abecassis discussed with respect to claims

1-2 in a "computer readable medium" in order that the instructions could be

automatically performed by a processor.

Regarding claim 16, E208 further discloses a user interface component (display 148 –

figure 7) for receiving selection criteria having program characteristic (program times,

title, channel, etc. figure 7) indicative of at least one of an audio and visual program. It

would have been obvious that computer executable components are provided in order

that a processor could automatically perform the instructions

Regarding claim 17, E208 further discloses the program guide information is organized

different category. In response to user selection of a particular category, only program

guide information associated with the selected category is displayed (see include, but is

not limited to, paragraphs 0108-0112, E988: figures 10-13). Inherently, a search

component is comprised for locating at least one token (program guide

information/program guide feature) from the token database component (e.g., program

guide server or storage device that stores program guide information in user equipment

or storage 56) based on selection criteria. It would have been obvious that computer

executable components are provided in order that a processor could automatically

perform the instructions.

Regarding claim 18, E208 further discloses program database component (program

guide server 25, storage 56, storage device 31, 32 – figures 2c-5) that includes the

token database component (program guide information/program guide feature –

paragraphs 0098-0099), the program database component associating at least one

attribute with each token (e.g. program guide feature including program times, titles,

etc.) the at least one attribute being provided with the at least one token (program guide

feature including program times, titles, etc. being provided with program guide

information – paragraph 0067, figure 8). It would have been obvious that computer

executable components are provided in order that a processor could automatically

perform the instructions.

Regarding claims 19-20, the limitations as claimed are directed toward embodying the

system of claims 7-8 in "computer readable medium". It would have been obvious to

embody the procedures of E208 in view of Abecassis discussed with respect to claims

7-8 in a "computer readable medium" in order that the instructions could be

automatically performed by a processor.

Regarding claim 21, E208 further discloses if any changes to program guide settings

are made, the program guide server may, for example, update a local program guide

client running on user television equipment 22 with the necessarily information (see

including, but is are not limited to, paragraph 0075). It would have been obvious that the

token database component (program guide server) comprises computer executable

component for updating in order that a processor could automatically perform the

instructions.

Regarding claim 24, E208 teaches a system for providing program criteria comprising:

means for storing at least two tokens (program guide server 25 stores program

guide information/program guide feature representing a plurality of episodes and/or

television programs of program or super program, - see including, but are not limited to,

paragraphs 0067, 0073, E988: figures 25a-25b and discussion in the rejection of claim

1);

means (program guide distribution equipment 21 or internet service system 61,

figure 2c, figure 6a) for providing selected token data in response to a query identifying

program selection criteria – see including, but are not limited to, paragraphs 0110,

0124-0126).

means (e.g., viewer's device including remote access device or components

such as set top box, television at viewer's site) for utilizing the tokens to display

television segment/episodes of a program or super-programs (see include, but are not

limited to, figures 2a-10).

E208 further discloses schedule to record program series with plurality of

episodes (see paragraph 0128), the at least one of an audio and video program formed

of at least two program segments (e.g. 15 minutes segments of program  – see

incorporated by reference 2003/0149988 A1, paragraphs 0094-0096, 0165, figures 25a-

25b). However, E208 does not explicitly disclose utilizing at least two tokens to

selectively combine the at least two program segments based at least in part upon

viewing characteristics of a client system, the viewing characteristics comprising at least one of age of the viewer, time of day and type of show being viewed.

Abecassis discloses at least two of tokens each associated with a disparate one of at least two segments of a predetermined one of an audio and visual program (information identified segments of programs or description of each segments of program – see include, but are not limited to, col. 2, lines 37-54), the remote computer utilizes at least two tokens to selectively combine at least two program segments based at least in part upon viewing characteristics of client system, the viewing characteristics comprising at least one of an age of a viewer, time of data and type of show being viewed (the viewer's device utilizes segments information to selectively combine the segments based at least in part upon preferences of the viewer, the preferences comprising at least one of age of user (e.g., whether the user is a child of parent), time of the data, etc. – see include, but are not limited to, figures 4b, 4d, col. 7, lines 1-25, col. 8, lines 40-56, col. 9, lines 41-61, col. 10, lines 13-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 to incorporate the teaching as taught by Abecassis in order to program customized version of a program to the user, or do not require viewer intervention during the viewing of the video (col. 2, line 65-col. 3, line 67), thereby improve convenience for user to watch only desired portions/segments of a program.

Regarding claim 25, E208 further teaches means for updating the token storing means in response to an update request (user accesses a suitable web page provided by Internet service system 61 that allow the user to enter a password and adjust the program guide parental control settings feature- see include, but is not limited to, paragraph 0099).

Regarding claim 27, E208 further discloses the program guide server generates program guide display screens as digital frames and distribute the frames to user television equipment 22 for display by an interactive program guide client implemented on user television equipment 22 (paragraph 0073). The server provides selected program to predetermined system in response to user selection of a particular icon on the screens (figure 19). Inherently, the system includes means (program guide server) for translating a token into a useable format (program guide display screen format) for programming a remote recording system to record a predetermined at least one of an audio and visual program (selected program) in a tuning space (storage device, tune channel) associated with the recording system.

Regarding claims 28-29, the limitations correspond to the limitations as claimed in claims 2-3 respectively, and are analyzed as discussed with respect to the rejection of claims 2-3.

Regarding claim 30, the limitations of the method that correspond to the limitations of

the system being claimed in claim 1 are analyzed as discussed in the rejection of claim

1, wherein the first computer correspond to the server as claimed in claim 1, the second

server as claimed is read on either user television equipment or remote access device

24 (see include, but are not limited to, E208: figures 1-2d, paragraphs 0108-0112).

Regarding claim 31, E208 further discloses the program guide information is organized

different category. In response to user selection of a particular category, only program

guide information/program guide feature associated with the selected category is

displayed/performed (paragraph 0112). Inherently, a program database is searched for

the token based on the selection criteria so that the program information is displayed in

organization criteria (e.g. time, theme, etc.).

Regarding claim 32, the limitations of the method that correspond to the limitations of

the system as being claimed in claims 1-2 are analyzed as discussed with respect to the

rejections of claims 1-2, wherein the first computer correspond to the server as claimed

in claims 1-2, the second server as claimed is read on either user television equipment

or remote access device 24 (see E208: figures 1-2d, paragraphs 0108-0112).

Regarding claim 33, the additional limitations as claimed correspond to the additional

limitations in claim 31, and are analyzed as discussed with respect to the rejection of

claim 31.

Regarding claim 34, E208 further discloses the program may be recorded on digital

storage device 31, on secondary storage device 32, or on program guide server 25 of

the distribution facility 16, or on storage 56 of the remote program guide access device

24 according to the command (see include, but is not limited to, paragraphs 0163-

0164). Inherently, the message is sent based on address data provided by the second

computer (22, 24), the remote computer (e.g. user equipment 22) is different from the

second computer (e.g. 24 – figures 2d, 3, 6a).

Regarding claim 35, E208 further discloses the selected criteria can be sent to and

displayed on remote program guide access device 24 or user equipment 32 in response

to a selection from remote program guide access device 24 or user equipment 32

(paragraph 0108-0112). Thus, the remote computer (e.g. 22, 24) and the second

computer (e.g. 22, 24) are the same.

Regarding claim 36, E208 further teaches updating the database at the first computer in

response to an update requested received at the first computer (paragraph 0075, 0099).

Regarding claim 38, the limitations of the method as claimed correspond to the

limitations of the system as claimed in claim 7, and are analyzed as discussed with

respect to the rejection of claim 7.

Regarding claim 39, E208 further teaches the message is a text email message, the

selected token being operatively associated with the email message (the program guide

data/program guide feature and other information may, for example, be encapsulated

into e-mail messages – paragraphs 0106, 0119, 0156, 0180, 0228).


Regarding claim 40, E208 discloses a system to facilitate remote programming of a

recording system, comprising:

television distribution facility 16 receives information indicating the user who

scheduled a program for recording and storing this information in the program guide-

paragraphs 0127. Television distribution facility 16 also receives a request for a

particular program to be recorded in a particular storage device (25,31,32, or 56). In

response to the request, the selected program is recorded in the predetermined storage

device (paragraphs 0127, 0163-0164, 0220-0222, figure 19). Thus, the server

(distribution facility 16) operable to receive a token (program guide information/feature)

having data identifying at least one of a user (who schedule a program to be recorded)

and a recording system (storage device used to record the program) and identifying a

plurality of segments of program data associated with one of an audio and visual

program (identifying a plurality of segments/episodes of program data associated with

program to be recorded or played back– see include, but are not limited to, E988:

figures 25a-25b, paragraphs 0094-0096, 0173; E388: figures 7,10), the server being

operable to communicate program data, based on the token, to a programmable

recording system to effect programming of the recording system to record the at least

one of the audio and visual program (communicate program data/program guide feature

to storage device used to record the selected program).

the additional limitations "the programmable recording system utilizes..."

corresponds to the additional limitations "...the remote computer utilizes...." in claim 1,

and are analyzed as discussed in the rejection of claim 1.


Regarding claim 41, E208 further teaches the server (16) is a first server, the token

being provided as a request from a second server (user equipment 22 or remote

program guide access device 24 – see include, but is not limited to, paragraph 0127,

0134, 0219-0222) in response to a user selection associated with the at least one of an

audio and visual program.


Regarding claim 42, E208 teaches a system to facilitate remote programming of a

recording system, comprising:

a first server (e.g. remote program guide access device 24 – figures 2c-2d, 5)

operable to receive data indicative of a user selection (via user interface 52-figure 5),

the first server providing a request to a second server (distribution facility 16 – figures

2c, 2d), the request having data identifying at least one of the user (user who schedules

a program for recording – paragraph 0127) and a recording system (identification of

storage device used to record to the selected program – paragraphs 0127, 0134, 0219-

0222), the second server communicates program data corresponding to one of an audio

and visual program in at least two segments (see include, but are not limited to, E988:

figures 6a-6b, 25a-25b and discussion in the rejection of claim 1);

the additional limitations "each segment associated with a disparate token" and

"a programmable recording system utilizes..." respectively correspond to the new added

limitations "each associated with a disparate one..." and "the programmable recording

system..." of claim 1 or claim 40, and are analyzed as discussed in the rejection of claim

1 or claim 40.


Regarding claim 44, E208 discloses a user interface (10- figure 1) to facilitate remote

programming of a recording system, comprises a main facility 12 for providing plurality

of programs and program guide information associated with the plurality of programs to

the distribution facility 16. The distribution facility 16 receives program guide

information, stored them and provides them to user equipment 22 or remote program

guide access device 24. The program guide information is displayed on a display of

television 16 at user equipment 22 or on a display of remote program guide access

device 24. In response to a user selection of specific program on the display of the

remote program guide access device 24 to be recorded, a request is sent to distribution

facility 16. Distribution facility 16 processes the request and provide the selected

program to a particular storage device used to record the selected program (figures 2c-

2d, 3, 5, 7-8, 19 and paragraph 108-112). Thus, the user interface comprising:

a selectable display portion (program guide listing or segment/episode identification)

associated with at least one of an audio and a visual program; and

a process (e.g. distribution facility 16 or set top box 28 – figure 3) associated with

the display portion to effect programming of a recording system (storage device 25, 31,

32, or 56 – figures 2c, 3, 5) to record the at least one of an audio and visual program in

response to selection of the display portion, wherein the process is resident at a server

operable to communicate at least two token (e.g., identification of segment, episode or

program) to the recording system based on the selection to effect programming of the

recording system (figure 2c, 3).

the limitations "...at least two program segments... " and the "recording system..."

correspond to the limitation "...at least one of and audio and visual program formed of at

least two program segments...", and 'remote computer utilizes...." in claim 1, or 42 and

are analyzed as discussed in the rejection of claim 1 or claim 42.


Regarding claim 46, E208 teaches a computer-implemented method comprising:

receiving program content criteria from a user via a communication link (receiving

user selection of a content criteria from a user via communication link 19- figures 2c, 2d,

page 12, line 30-page 13, line 9, page 31, lines 7-31);

selecting program content based on the program content criteria received from

the user (select program to be recorded based on the requested received from the user

– page 54, line 28-page 55, line 24 figure 19);

transmitting the tokens to effect recording of a program corresponding to the

program content (transmitting identification, start time, etc. of the episode, program, to

be used in recording a program/episode in a specified storage device– see include, but are not limited to, paragraphs 0108-0112, 0117-0119, 0220).

the new added limitations "associating each of at least ...." and "utilizing token associated..." correspond to the new added limitation in claim 24, and is analyzed as discussed in the rejection of claim 24.

Regarding claim 47, E208 further teaches the tokens are transmitted to a computer associated with the user (e.g., program/episode listing, identifier, etc. are transmitted to remote program guide access device 24 or user television equipment – see include, but are not limited to, figures 2a-2d, paragraphs 0108-0112, 0127, 0134, 0219-0222).

Regarding claim 48, E208 also teaches the tokens are transmitted to a recording system (e.g., storage devices 31, 32, etc. in user television equipment – paragraph 0127, 0134, 0219-0222).

Regarding claim 49, E208 further teaches the tokens are transmitted to a server (25 – see include, but is not limited to, paragraphs 0127, 0134, figures 2a-2d).

Regarding claim 51, E208 teaches a method comprising:

transmitting for display on a remote computer information about at least one of audio and visual content (transmitting program guide information/program guide feature

to user equipment 22 or remote program guide access device 24 – figures 2c-2d and

paragraphs 0073, 0100-0101);

receiving from the user computer a selection of the content (see include, but are

not limited to, paragraphs 0108-0112, 0127);

constructing a plurality of tokens (constructing program guide information/feature

including plurality of title, identifier, channel, etc. see include, but are not limited to,

figures 1-10, paragraphs 0067, 0108-0110; E988: figures 1-2b, paragraphs 0058-0060);

transmitting at least two of the plurality of tokens to effect recording of a program

corresponding to the program content (e.g., transmitting at least two program/episode

identifier, title, start time, etc. for use in recording the selected program – see include,

but are not limited to, paragraphs 0117-0119, 0127, 0134).

the new added limitations "each token associated..." and  "the selectively

combining..." correspond to the new added limitations in claim 46, and is analyzed as

discussed in the rejection of claim 46.


Regarding claims 52-54, the limitations as claimed correspond to the limitations as

claimed in claims 47-49, and are analyzed as discussed with respect to the rejection of

claims 47-49.


Regarding claim 55, E208 further discloses the information indicating the user who

scheduled a program for recording, may also be recorded by the program guide or

remote program guide access device (see include, but is not limited to, paragraphs

0127, 0134). Thus, information identifying the user is received.

Regarding claim 56, E208 further discloses the selected program may be stored on

secondary storage device 32, digital storage device 31, on storage device 56 of remote

program guide access device 24 (paragraphs 0127, 0163-0164, 0219-0220). Inherently,

information identifying a device associated with the user is received so that the selected

program is stored in a predetermined storage device.

Regarding claim 57, E208 further discloses the program listing information includes

program channels (paragraph 0067). The remote program guide may respond to the

command by sending one or more access communications to the local interactive

program guide implemented in equipment 17 with the remote program guide access

device 24 to record the program associated with the selected listing when the program

is aired. The program may be recorded on storage device 32, digital storage device 31

or on storage 56 of remote program guide access device (see include, but is not limited

to, paragraph 0127). Thus, the information identifying a local tuning space (e.g. program

channel), system configuration for a device (for example, set control circuitry 42 to a

specific channel) is also received.

Regarding claim 59, E208 teaches a computer implemented method comprising:

storing programming information (see include, but are not limited to, paragraphs

0082-0085);

receiving from a computer user information (who set a reminder, who scheduled

program for recording, etc. 0108-0127) and information describing one of an audio and

visual program (e.g., times, tiles, identifier, etc. of episode/program to be recorded –

paragraphs 0099-100, E388: figures 7,10);

using the stored programming information and the user information to construct

tokens that includes information sufficient to program a recording system to record the

one of audio and visual program, the one of audio and visual program comprising a

plurality of segments (using the program guide information/program guide feature and

user information to construct a recording request that allow the recording system to

record a program into specific storage device, the program or super program comprises

a plurality of segments- see include, but is not limited to, paragraphs 0099-100, 0127,

0220, E988: figures 6a-6b, 25a-25b, paragraphs 0082, 0094-0096, 0173-0181);

transmitting the tokens (e.g. transmitting program guide information/ feature

comprising recording request) via a communication link (see include, but are not limited

to, figures 1-2d, paragraphs 0110-0112, 0127).

new added limitations that correspond to the new added limitations in claim 1are

analyzed as discussed in the rejection of claim 1.


Regarding claim 60, E208 further teaches the computer is a remote computer

(paragraph 0092);

Regarding claim 61, E208 further teaches the remote computer is a portable computer (paragraph 0092).

Regarding claim 62, E208 further teaches the computer is a server (figure 2c, 2d).

Regarding claim 63, E208 further teaches the user information includes information identifying characteristic of a device associated with the user (VCR, DVD, set top box with cable modem – figure 11).

Regarding claims 64-66, the additional imitations as claimed correspond to the additional limitations as claimed in claims 52-54 and are analyzed as discussed with respect to the rejections of claims 52-54.

Regarding claims 50,58,67, the limitations as claimed are directed toward embodying the method of claims 46, 51, 59 in "computer readable medium". It would have been obvious to embody the procedures of E208 in view of Abecassis discussed with respect to claims 46, 51, 59 in a "computer readable medium" in order that the instructions could be automatically performed by a processor.

4.      Claims 12-14, 22-23, 26, 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over E208 in view of Abecassis as applied to claim 11, 15, 25, or 36

above, and further in view of Knudson et al. (US 6,536,041).


Regarding claim 12, E208 in view of Abecassis teaches a system as discussed in the

rejection of claim 11. E208 further discloses program guide data may be provided by

television distribution facility 16 to user television equipment 22 in a continuous stream

or may be transmitted at a suitable time interval (paragraphs 0070-0071). However,

E208 in view of Abecassis does not explicitly disclose notify the remote computer in

response to receiving an update request that modifies program criteria for a program

represented by the at least one token.


Knudson discloses television distribution facility 26 receives program guide data and

real time data from sources 22 and 30, and stores the data into database 57 (col. 6, line

45-col. 7, line 27). The program guide data and real time data is displayed on the

screen to user in response to user selection (col. 7, lines 47-63). The program guide

data may be distributed to set top box 52 (via facility 26) periodically and stored in

database 53. The program guide information includes real time data such as sports

scores for games that have recently concluded (col. 7, lines 10-67 and figure 7). Thus,

the server is programmed to notify the remote computer in response to receiving an

update request that modifies program criteria for a program represented by the at least

one token (providing recently program guide data and real time data to the display at

the user equipment). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify E208 in view of Abecassis to use

the teaching as taught by Knudson in order to provide update information to user

thereby improve quality of services.

Regarding claim 13, E208 in view of Abecassis and Knudson discloses the system as

discussed in the rejection of claim 12. Knudson further teaches the server (facility 26-

figure 1) stores a different identifiable characteristic for each token obtained from the

server (facility 26 stores program channels, times, title, etc. in database 57 – figure 1

and col. 6, line 10-col. 7, line 27), the server employing an identifiable characteristic to

notify the remote computer of changes in program criteria for a program represented by

the at least one token (facility 26 provides update program guide data and update real

time such as changes in sport scores, delay game, etc. to the user equipment for

display – col. 6, line 10-col. 7, line 67).

Regarding claim 14, E208 in view of Abecassis and Knudson discloses the system as

discussed in the rejection of claim 13. Knudson further teaches the server is program to

provide at least one of a token and updated programming data to the remote computer

in response to receiving an update request that modifies program criteria for a program

represented by the at least one token previously provided to the remote computer

(facility 26 provides program guide data (titles, channels, etc.) and updated

programming data (e.g. sports scores, real time games statistics, game delay

information, etc. – col. 6, line 10-col. 7, line 67).

Regarding claims 22-23, the limitations as claimed are directed toward embodying the

system of claims 12, 14 in "computer readable medium". It would have been obvious to

embody the procedures of E208 in view of Abecassis and Knudson discussed with

respect to the rejections of claims 12, 14 in a "computer readable medium" in order that

the instructions could be automatically performed by a processor.

Regarding claim 26, the limitations correspond to the limitations of claim 14, and are

analyzed as discussed with respect to the rejection of claim 14.

Regarding claim 37, the limitations of the method as claimed correspond to the

limitations of the system as claimed in claim 26 and are analyzed as discussed with

respect to the rejection of claim 26.

### *Conclusion*

5.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ellis et al. (US 20040117831A1) discloses interactive television program guide system
and method with niche hub.

Ellis et al. (US 6,898,762) discloses client server electronic program guide.

Abecassis (US 5,913,013) discloses seamless transmission of non-sequential video segments.

Shteyn (US 6,611,654 B1) discloses time and location driven personalized TV.

6.    **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295.  The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh                                                    July 8, 2007

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